



Sen. John J. Cullerton

Filed: 3/6/2008

09500SB2275sam001

LRB095 17559 RLC 47347 a

1 AMENDMENT TO SENATE BILL 2275

2 AMENDMENT NO. _____. Amend Senate Bill 2275 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Juvenile Court Act of 1987 is amended by
5 changing Sections 5-105 and 5-120 and by adding Section 5-121
6 as follows:

7 (705 ILCS 405/5-105)

8 Sec. 5-105. Definitions. As used in this Article:

9 (1) "Court" means the circuit court in a session or
10 division assigned to hear proceedings under this Act, and
11 includes the term Juvenile Court.

12 (2) "Community service" means uncompensated labor for a
13 community service agency as hereinafter defined.

14 (2.5) "Community service agency" means a not-for-profit
15 organization, community organization, church, charitable
16 organization, individual, public office, or other public body

1 whose purpose is to enhance the physical or mental health of a
2 delinquent minor or to rehabilitate the minor, or to improve
3 the environmental quality or social welfare of the community
4 which agrees to accept community service from juvenile
5 delinquents and to report on the progress of the community
6 service to the State's Attorney pursuant to an agreement or to
7 the court or to any agency designated by the court or to the
8 authorized diversion program that has referred the delinquent
9 minor for community service.

10 (3) "Delinquent minor" means any minor who prior to his or
11 her 17th birthday has violated or attempted to violate,
12 regardless of where the act occurred, any federal or State law,
13 county or municipal ordinance, and any minor who prior to his
14 or her 18th birthday has violated or attempted to violate,
15 regardless of where the act occurred, any federal, State,
16 county or municipal law or ordinance classified as a
17 misdemeanor offense.

18 (4) "Department" means the Department of Human Services
19 unless specifically referenced as another department.

20 (5) "Detention" means the temporary care of a minor who is
21 alleged to be or has been adjudicated delinquent and who
22 requires secure custody for the minor's own protection or the
23 community's protection in a facility designed to physically
24 restrict the minor's movements, pending disposition by the
25 court or execution of an order of the court for placement or
26 commitment. Design features that physically restrict movement

1 include, but are not limited to, locked rooms and the secure
2 handcuffing of a minor to a rail or other stationary object. In
3 addition, "detention" includes the court ordered care of an
4 alleged or adjudicated delinquent minor who requires secure
5 custody pursuant to Section 5-125 of this Act.

6 (6) "Diversion" means the referral of a juvenile, without
7 court intervention, into a program that provides services
8 designed to educate the juvenile and develop a productive and
9 responsible approach to living in the community.

10 (7) "Juvenile detention home" means a public facility with
11 specially trained staff that conforms to the county juvenile
12 detention standards promulgated by the Department of
13 Corrections.

14 (8) "Juvenile justice continuum" means a set of delinquency
15 prevention programs and services designed for the purpose of
16 preventing or reducing delinquent acts, including criminal
17 activity by youth gangs, as well as intervention,
18 rehabilitation, and prevention services targeted at minors who
19 have committed delinquent acts, and minors who have previously
20 been committed to residential treatment programs for
21 delinquents. The term includes children-in-need-of-services
22 and families-in-need-of-services programs; aftercare and
23 reentry services; substance abuse and mental health programs;
24 community service programs; community service work programs;
25 and alternative-dispute resolution programs serving
26 youth-at-risk of delinquency and their families, whether

1 offered or delivered by State or local governmental entities,
2 public or private for-profit or not-for-profit organizations,
3 or religious or charitable organizations. This term would also
4 encompass any program or service consistent with the purpose of
5 those programs and services enumerated in this subsection.

6 (9) "Juvenile police officer" means a sworn police officer
7 who has completed a Basic Recruit Training Course, has been
8 assigned to the position of juvenile police officer by his or
9 her chief law enforcement officer and has completed the
10 necessary juvenile officers training as prescribed by the
11 Illinois Law Enforcement Training Standards Board, or in the
12 case of a State police officer, juvenile officer training
13 approved by the Director of State Police.

14 (10) "Minor" means a person under the age of 21 years
15 subject to this Act.

16 (11) "Non-secure custody" means confinement where the
17 minor is not physically restricted by being placed in a locked
18 cell or room, by being handcuffed to a rail or other stationary
19 object, or by other means. Non-secure custody may include, but
20 is not limited to, electronic monitoring, foster home
21 placement, home confinement, group home placement, or physical
22 restriction of movement or activity solely through facility
23 staff.

24 (12) "Public or community service" means uncompensated
25 labor for a not-for-profit organization or public body whose
26 purpose is to enhance physical or mental stability of the

1 offender, environmental quality or the social welfare and which
2 agrees to accept public or community service from offenders and
3 to report on the progress of the offender and the public or
4 community service to the court or to the authorized diversion
5 program that has referred the offender for public or community
6 service.

7 (13) "Sentencing hearing" means a hearing to determine
8 whether a minor should be adjudged a ward of the court, and to
9 determine what sentence should be imposed on the minor. It is
10 the intent of the General Assembly that the term "sentencing
11 hearing" replace the term "dispositional hearing" and be
12 synonymous with that definition as it was used in the Juvenile
13 Court Act of 1987.

14 (14) "Shelter" means the temporary care of a minor in
15 physically unrestricting facilities pending court disposition
16 or execution of court order for placement.

17 (15) "Site" means a not-for-profit organization, public
18 body, church, charitable organization, or individual agreeing
19 to accept community service from offenders and to report on the
20 progress of ordered or required public or community service to
21 the court or to the authorized diversion program that has
22 referred the offender for public or community service.

23 (16) "Station adjustment" means the informal or formal
24 handling of an alleged offender by a juvenile police officer.

25 (17) "Trial" means a hearing to determine whether the
26 allegations of a petition under Section 5-520 that a minor is

1 delinquent are proved beyond a reasonable doubt. It is the
2 intent of the General Assembly that the term "trial" replace
3 the term "adjudicatory hearing" and be synonymous with that
4 definition as it was used in the Juvenile Court Act of 1987.

5 (Source: P.A. 90-590, eff. 1-1-99; 91-820, eff. 6-13-00.)

6 (705 ILCS 405/5-120)

7 Sec. 5-120. Exclusive jurisdiction. Proceedings may be
8 instituted under the provisions of this Article concerning any
9 minor who prior to the minor's 17th birthday has violated or
10 attempted to violate, regardless of where the act occurred, any
11 federal or State law or municipal or county ordinance, and any
12 minor who prior to his or her 18th birthday has violated or
13 attempted to violate, regardless of where the act occurred, any
14 federal, State, county or municipal law or ordinance classified
15 as a misdemeanor offense. If before trial or plea, an
16 information or indictment is filed that includes one or more
17 charges under the criminal laws of this State and additional
18 charges that are classified as misdemeanors that are subject to
19 proceedings under this Act, all of the charges arising out of
20 the same incident shall be prosecuted under the criminal laws
21 of this State. If after trial or plea the court finds that the
22 minor committed an offense that is solely classified as a
23 misdemeanor, the court must proceed under Section 5-705 and
24 5-710 of this Act. Except as provided in Sections 5-125, 5-130,
25 5-805, and 5-810 of this Article, no minor who was under 17

1 years of age at the time of the alleged offense may be
2 prosecuted under the criminal laws of this State.

3 (Source: P.A. 90-590, eff. 1-1-99.)

4 (705 ILCS 405/5-121 new)

5 Sec. 5-121. Illinois Juvenile Jurisdiction Task Force.

6 (a) The General Assembly finds that:

7 (1) 37 other states and the District of Columbia, the
8 Federal Government, and nearly every other nation in the
9 world use 18 as the age of juvenile court jurisdiction; and

10 (2) the Legislature of Connecticut voted last year to
11 raise the age to 18 for juvenile court; and

12 (3) recent research on adolescent brain development
13 reveals that the center of the brain that controls
14 reasoning and impulsivity is not fully developed until the
15 early twenties; and

16 (4) research consistently documents that trying youth
17 age 17 in the adult court disproportionately impacts
18 minority youth.

19 (b) The Illinois Juvenile Jurisdiction Task Force is hereby
20 created. The mission of the Illinois Juvenile Jurisdiction Task
21 Force is to study the impact of, develop timelines and propose
22 a funding structure to accommodate the expansion of the
23 jurisdiction of the Illinois Juvenile Court to include youth
24 age 17 under the jurisdiction of this Act.

25 (c) The Illinois Juvenile Jurisdiction Task Force shall

1 consist of the following members:

2 (1) one member appointed by the President of the
3 Senate;

4 (2) one member appointed by the Minority Leader of the
5 Senate;

6 (3) one member appointed by the Speaker of the House;

7 (4) one member appointed by the Minority Leader of the
8 House;

9 (5) one member appointed by the Governor;

10 (6) one member appointed by the Director of Juvenile
11 Justice or his or her designee;

12 (7) one member appointed by the Director of the
13 Administrative Office of Illinois Courts or his or her
14 designee;

15 (8) one member appointed by the Cook County State's
16 Attorney or his or her designee;

17 (9) one member appointed by the Cook County Public
18 Defender or his or her designee;

19 (10) one member appointed by the Director of the
20 Illinois Appellate Prosecutor's Association or his or her
21 designee;

22 (11) one member appointed by the State Appellate
23 Defender or his or her designee;

24 (12) one member appointed by the Chair of the Illinois
25 Juvenile Justice Commission; and

26 (13) one member appointed by the Chair of the Redeploy

1 Illinois Partnership.

2 (c) The Task Force shall appoint a chairperson from among
3 its members. If a vacancy occurs in the Task Force membership,
4 the vacancy shall be filled in the same manner as the initial
5 appointment.

6 (d) Members of the Illinois Juvenile Jurisdiction Task
7 Force shall serve without compensation.

8 (e) The Illinois Juvenile Jurisdiction Task Force may begin
9 to conduct business upon the appointment of a majority of its
10 members.

11 (f) The Task Force shall submit a report by January 1, 2010
12 to the General Assembly with recommendations on extending
13 juvenile court jurisdiction to youth age 17 charged with felony
14 offenses.

15 Section 99. Effective date. This Act takes effect upon
16 becoming law, except that the amendatory changes to Sections
17 5-105 and 5-120 of the Juvenile Court Act of 1987 take effect
18 January 1, 2010".